REMARKS/ARGUMENTS

Applicants have received the Office Action dated December 19, 2006, in which the Examiner: 1) rejected claims 1-8 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter; and 2) rejected claims 1-18 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Pub. No. 2002/0087818 ("*Ripley*").

With this Response, Applicants have amended claims 1-2, 7-9, 11, 13 and 15-17. Also, Applicants have cancelled claim 18 and added claims 19-20. Based on the amendments and arguments presented herein, Applicants respectfully request reconsideration and allowance of the pending claims.

I. CLAIM AMENDMENTS

Applicants amended several claims. Claim 1 was amended to overcome the § 101 rejection, not the art rejections. Claims 2, 7-9, 15 and 18 were amended to ensure proper antecedent basis of claim terms. Claims 11, 13, 16 and 17 were amended to correct typographical errors or to clarify claim limitations without regard to the art rejections.

II. REJECTIONS UNDER 35 U.S.C. § 101

The Examiner argues that claims 1-8 only recite a mathematical calculation and are therefore unpatentable under 35 U.S.C. § 101. Applicants have amended claim 1 to recite "using the message authentication code to authenticate data." For at least this reason, the rejection of claims 1-8 under 35 U.S.C. § 101 should be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 102(e)

The Examiner rejected claims 1-18 under 35 U.S.C. § 102(e) as being anticipated by *Ripley*. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631. "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236.

With respect to claim 1, *Ripley* fails to teach first and second "parts" of a message authentication function. In *Ripley*, two message authentication codes

(MACs) are calculated based on the same data 17. The first MAC is calculated by the media 70 and the second MAC is calculated by the media reader 30. If the MACs are equal, the media reader 30 allows access to the media 70. If the MACs are different, the media reader 30 refuses access to the media 70 (see Figure 4 and paragraphs [0055]-[0056]). In contrast to *Ripley* which calculates and compares two separate MACs, claim 1 recites calculating two parts of a message authentication function using separate processors and then combining the two parts into a MAC. *Ripley* does not teach these limitations. For at least this reason, claim 1 and its dependent claims are allowable over *Ripley*.

With respect to claim 9, *Ripley* fails to teach "computing a first part of a message authentication function using contents of the record" and "computing a second part of the message authentication function using a data key that is not available to the first computer." In *Ripley*, the two MACs are not "parts" of a function.

Even if *Ripley's* MACs were to be considered "parts" of a function, *Ripley's* MACs are calculated using the same algorithm (see paragraph [0056]). Thus, *Ripley* does not teach "computing a second part of the message authentication function using a data key that is not available to the first computer" as is required in claim 9. For at least these reasons, considered individually or together, claim 9 and its dependent claim are allowable over *Ripley*.

With respect to claim 11, *Ripley* fails to teach first and second "parts" of a message authentication function. In *Ripley*, the two MACs are not "parts" of a function. Furthermore, *Ripley's* MACs are calculated using the same algorithm (see paragraph [0056]). Thus, *Ripley* does not teach "the first part of the message authentication function is based on the contents of a record and the second part is based on a data key, wherein the data key is inaccessible by the first processor and the record contents are inaccessible by the second processor." For at least these reasons, considered individually or together, claim 11 and its dependent claims are allowable over *Ripley*.

With a respect to claim 17, *Ripley* fails to teach a "processor to compute a first part of a message authentication function based on contents of a record, to

provide the result of said first part to a second computer, to receive a result of a second part of the message authentication function from the second computer, and to encode the record with the result of the second part, wherein the record contents are hidden from the second computer and wherein the second part is computed by the second computer using a data key that is hidden from the first computer." The Examiner cites paragraphs [0059] and [0077] of *Ripley*, but has failed to articulate how these paragraphs anticipate the claimed limitations. Neither paragraph teaches the identical invention...in as complete detail as is contained in claim 17. *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236. Furthermore, the paragraphs appear to be unrelated to each other. For at least these reasons, claim 17 is allowable over *Ripley*.

IV. NEW CLAIMS

Ripley is directed to media and a media reader (*e.g.*, recordable or re-writeable DVD and associated writers) and therefore fails to teach Applicants' server, client, witness computer, and the other limitations of claim 19. For at least this reason, claim 19 and its dependent claim are allowable over *Ripley*.

V. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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